IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1516 of 1995

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PAN ADS

Versus

UNION OF INDIA & Ors.

Appearance:

1. Special Civil Application No. 1516 of 1995

MR PR THAKKAR for Petitioner No. 1

MR JJ YAJNIK for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 14/12/2004

ORAL JUDGEMENT

This matter was adjourned time and again. When this matter was notified on 3.12.2004 the learned advocate appearing for the petitioner, Shri Thakkar had chosen to remain absent on that date. However, in the interests of justice the matter was adjourned to 9.12.2004. On 9.12.2004, there was a Leave Note filed of Shri P.R. Thakkar. Considering the fact that the matter

is of 1995 and that it was fixed for final hearing in the 3rd week of June 1996, the matter was adjourned to 14th December 2004 with a clear understanding that on that date the matter will be finally decided even in absence of the learned advocate appearing for the parties. Today, when the matter was called out in the 1st session, Shri Thakkar, learned advocate was absent and therefore the matter was kept back. When the matter is called out in the 2nd session, learned advocate for the petitioner, Shri Thakkar is again absent. Under the circumstances, this Court has no other alternative but to decide and dispose of the present Special Civil Application on merits ex parte.

2. In this petition under Article 226 of the Constitution of India the petitioner has prayed for an appropriate writ, direction or order directing the respondents to adopt the system of inviting the tenders from advertisers in the matter of allotting the site/location for hoardings and/or shine boards to the advertisers and/or by adopting such a method, mode and style by which the rival advertisers interested in getting the locations/sites for hoardings and/or shine-boards would have equal opportunity to show their merits in a competitive manner to the respondents and advertisers having highest merits be selected for allotment of the site/location for hoardings/shine boards.

3. Today, when the matter is called out, Shri JJ Yagnik, learned advocate appearing on behalf of the respondent Railway authority has submitted that the guidelines laid down in the Joint Accounts and General Procedure (Revised) Order No. 87/94 dated 22.2.1994 and the instruction issued by the Railway Board and Headquarter Office are being followed by the Railway administration and accordingly the commercial publicity sites are awarded by inviting open tenders for quotations or on 'first come first serve' basis depending on potential display values of the sites. He has produced on record the aforesaid guidelines and the instruction issued by the Railway Board. Accordingly, the respondents are directed to comply with the same keeping in mind that the commercial publicity sites are awarded by inviting open tenders or quotations so far as major cities and towns are concerned. If for some reason with regard to small villages it is not viable and/or possible the same can be given on 'first come first serve' basis.

4. With this observation and direction, the present Special Civil Application is disposed of. Rule is

discharged. Liberty to apply in case of difficulty.

[M.R. Shah, J.]

rmr.